

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

AVANT-GARDE MARKETING SOLUTIONS, ) 3:10-CV-00462-ECR-RAM  
INC., a Nevada corporation, )  
) MINUTES OF THE COURT  
Plaintiff, )  
) DATE: March 8, 2011  
vs. )  
)  
DERRICK SERIANNI, an individual, )  
CAROL PODOLAK, an individual, )  
CLEARCHOICE MERCHANT SERVICES, )  
LLC, a Nevada limited liability )  
company, )  
)  
Defendants. )  
\_\_\_\_\_)

PRESENT: \_\_\_\_\_ EDWARD C. REED, JR. \_\_\_\_\_ U. S. DISTRICT JUDGE

Deputy Clerk: \_\_\_\_\_ COLLEEN LARSEN \_\_\_\_\_ Reporter: \_\_\_\_\_ NONE APPEARING

Counsel for Plaintiff(s) \_\_\_\_\_ NONE APPEARING

Counsel for Defendant(s) \_\_\_\_\_ NONE APPEARING

MINUTE ORDER IN CHAMBERS

Defendant Derrick Serianni failed to file a response to Plaintiff's Motion for Preliminary Injunction (#2), filed on July 22, 2010, within the time permitted by our Order (#46) of November 22, 2010. In our Order (#50), filed on February 8, 2011, the Court granted Defendant Serriani additional time in which to file a response, and warned Defendant Serriani that a failure to do so would result in the Motion (#2) being granted. Defendant Serriani has failed to file a response in the additional time granted.

The Motion (#2) was originally directed against all Defendants. Defendant Carol Podolak, however, has not been served. Plaintiff had until February 19, 2011, to effectuate service of process on Defendant Podolak in accordance with the Order (#47), filed on November 22, 2010. Plaintiff has failed to serve Defendant Carol Podolak within the allotted time period. Defendant Clearchoice Merchant Services, LLC was dismissed by stipulation (#35) on September 28, 2010.

**IT IS HEREBY ORDERED** that pursuant to Federal Rule of Civil Procedure 4(m), this action is dismissed as to Defendant Podolak.

The Motion for Preliminary Injunction (#2) appears to be facially well taken. **IT IS, THEREFORE, FURTHER ORDERED** that the Motion for Preliminary Injunction (#2) is **GRANTED** as to Defendant Serriani.

Defendant Serriani is enjoined from:

- 1) soliciting Avant-Garde Marketing Solutions, Inc.'s clients or prospective clients;
- 2) requesting or inducing existing customers to curtail their business with Avant-Garde Marketing Solutions, Inc.;
- 3) disclosing, using, or disseminating Avant-Garde Marketing Solution, Inc.'s confidential information;
- 4) duplicating, marketing, selling, or otherwise distributing any copyright work owned by Avant-Garde Marketing Solutions.

**IT IS FURTHER ORDERED** that Defendant Serriani shall return all confidential, proprietary, and copyrighted material in his possession belonging to Avant-Garde Marketing Solutions, Inc. to Avant-Garde Marketing Solutions, Inc. within thirty-one (31) days after entry of this order.

The Clerk shall mail and email copies of this order to Defendant Derrick Serriani at:

Derrick Serriani  
59 Damonte Ranch Parkway, B #133  
Reno, Nevada 89521

Derrick@ureach.com

LANCE S. WILSON, CLERK

By                     /s/                      
Deputy Clerk